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EX PARTE OR LATE FILED

ORIGINAL

August 3, 2000

COMMUNICATIONS, LLCSM

Ex Parte

VIA FEDERAL EXPRESS

Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, SW,
Washington, DC, 20554

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Peter R. Thomas
Vice President
614 223 1144
Fax 614 223 2002


Re: WT Docket No. 99-87

Dear Ms. Salas:

Pursuant to Section 1.1206(a)(1) of the Commission's Rules, this is to advise that the attached written *Ex Parte* presentation was sent today to Thomas Sugrue, Chief of the Commission's Wireless Telecommunications Bureau (WTB). Please note that copies were also sent to each of the Commissioners, as well as David Furth, Kathleen O'Brien Ham and D'wana Terry of the Bureau's Staff.

Should any questions arise concerning this matter, please contact the undersigned.

Respectfully submitted,



Peter Thomas, Vice President
AEP Communications, LLC

cc: Chairman William Kennard
Commissioner Susan Ness
Commission Harold Furchtgott-Roth
Commissioner Michael Powell
Commission Gloria Tristani
David Furth
Kathleen O'Brien Ham
D'wana Terry

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VIA FEDERAL EXPRESS

Mr. Thomas Sugrue, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW
Room 3-C207
Washington, DC 20554

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Peter R. Thomas
Vice President
614 223 1144
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Re: *Ex Parte* Presentation, WT Docket No. 99-87

Dear Mr. Sugrue:

AEP Communications, LLC, ("AEP") the Exempt Telecommunications Company subsidiary of the American Electric Power Company ("AEP"), respectfully submits this *ex parte* presentation in the above designated proceeding. AEP is a public utility company serving 4.5 million customers in portions of Indiana, Kentucky, Michigan, Ohio, Tennessee, Virginia, West Virginia, Texas, Louisiana, Oklahoma and Arkansas.

AEP operates its own internal-use two-way radio system to serve its telecommunications needs. Specifically, using spectrum licensed under Part 90 of the Commission's rules, AEP's Special Mobile Radio ("SMR") system is used to dispatch and coordinate operations, maintenance and emergency response activities throughout AEP's licensed service area. The AEP system also provides service to public safety and federal government entities on a cost-shared, not-for-profit basis, as was permitted by the Commission earlier this year. Expanding across approximately 200,000 thousand square miles, AEP's private-carrier trunked radio system is the largest such system in North America.

AEP is constantly striving to implement more efficient and effective communications applications. With respect to its two-way radio system, AEP is seeking opportunities to build-out its existing 800 MHz network and convert the system to digital technology, perhaps in joint ventures with commercial providers. AEP believes that pursuing this course would not only improve its internal communications and productivity, but also bring commercial service to communities that are currently unserved or under-served by the digital SMR industry. Unfortunately, however, the Commission's current rules for SMR operation make it impossible for licensees to offer commercial service on 800 MHz channels or to integrate channels in a commercial/private network.



Mr. Thomas Sugrue
August 3, 2000
Page Two

The Commission has openly acknowledged its commitment to allow spectrum to be utilized efficiently and for varied purposes in order to bring new services to the public. In fact, just days ago, the Commission confirmed its decision to permit commercial mobile radio providers to use CMRS spectrum to offer fixed wireless services. The Commission's stated reason for its action was to "...allow the carriers greater flexibility to provide innovative wireless services to meet consumer demands."¹ In stark contrast, the current SMR rules stifle creative uses of 800 MHz spectrum.

Therefore, in accordance with this Commission's own stated goal, AEP urges the Commission to act quickly to provide needed flexibility to 800 MHz licensees. Specifically, AEP requests that the Commission amend its rules by eliminating the 800 MHz commercial use restrictions. AEP also supports a rule change that would permit commercial service on Business and Industrial Land Transportation ("B/ILT") channels in the 800 MHz band. The result of these rule changes would be the introduction of improved digital communications to members of the general public, as well as the public safety community.

The action AEP is recommending here is consistent with the type strategy the Commission itself has suggested to alleviate a "spectrum drought". As part of its public forum on "Secondary Markets in Radio Spectrum" (held May 31, 2000)², Chairman Kennard outlined his desire for a program that would allow spectrum to flow into the marketplace, thereby promoting greater spectrum efficiency. AEP enthusiastically echoes the Chairman's sentiments. A fluid and flexible secondary market would promote, rather than stall, the advancement of wireless technologies and the efficient use of 800MHz spectrum.

The FCC has before it the opportunity to increase the efficiency of spectrum use among private licensees as well as provide new, advanced services to the public. AEP urges the Commission to take full advantage of that opportunity. The 800 MHz private allocation rules should promptly be modified to create wider uses for all licensees.

¹ See, *In the Matter of Amendment of the Commission's Rules to Permit Flexible Service Offerings in the Commercial Mobile Radio Services*, WT Docket No. 96-6, Second Report and Order and Order on Reconsideration released July 20, 2000.

² See, Public Notice released May 23, 2000, DA 00-1139.



Mr. Thomas Sugrue
August 3, 2000
Page Three

AEP would appreciate the opportunity to discuss this matter with you in more detail. I will be contacting your office in the near future to arrange such a meeting.

Peter R. Thomas
Vice President
614 223 1144
Fax 614 223 2002

Respectfully submitted,

A handwritten signature in black ink that reads "Peter Thomas". The signature is written in a cursive, flowing style.

Peter Thomas, Vice President
AEP Communications, LLC

cc Chairman William Kennard
 Commissioner Susan Ness
 Commissioner Harold Furchtgott-Roth
 Commissioner Michael K. Powell
 Commissioner Gloria Tristani
 David Furth
 Kathleen O'Brien Ham
 D'wana Terry